Amendments to the Drawings:

Formal drawings are submitted herewith which incorporate the changes required by the Examiner. Approval by the Examiner is respectfully requested.

Attachment: Replacement Figures 1-4

REMARKS

Claims 1-45 are rejected. Claims 1, 30-33 and 39 have been amended. Claim 5 has been canceled. Claims 1-4, 6-45 are presently pending in the application. Favorable reconsideration of the application in view of the following remarks is respectfully requested.

The basis for the amendment to claim 1 can be found in claim 5 as originally filed, as well as pg. 4, line 16, pg. 13, line 16, pg. 20, lines 16, 18, and 32, pg. 21, line 2, and pg. 111, line 24, (interconnected). The basis for the amendment to claim 39 can be found on page 33, lines 20-21 of the specification as originally filed.

Rejection of Claims 30-33 under 35 U.S.C. §112:

The Examiner has rejected claims 30-33 under U.S.C. §112, second paragraph for insufficient antecedent basis, reciting that the limitations "said imaging layer" and "said support" lack sufficient antecedent basis for these limitations in the claims. Applicants have appropriately amended the claims to provide sufficient antecedent basis. Therefore, it is respectfully requested that this rejection be reconsidered and withdrawn.

Rejection of Claims 1 and 39 Under 35 U.S.C. §102(b):

The Examiner has rejected claims 1 and 39 under 35 U.S.C. §102(b) as being anticipated by Katashima et al., U.S. Patent No. 5,968,871. The Examiner indicates that Katashima discloses an article that has a base body that has at least one antistatic layer on the surface, an antistatic layer that has a conductive material, the antistatic layer has a patterned shape, and a thermal transfer sheet that has excellent antistatic properties. This rejection is respectfully traversed.

Katashima discloses an antistatic coat on a surface of a base body so as to prevent accumulation of electric charges in the base body, the antistatic coat has a multi-layer structure with at least one antistatic layer, and the antistatic layer being disposed between the base body and an outermost surface layer of the antistatic coat. On the back surface side of a thermal transfer sheet, there is formed a heat resistant slip layer through an antistatic layer, or a heat resistant slip layer containing a conductive material.

The present invention relates to an article having a substrate with at least one antistatic layer with at least one conductive material and contains

interconnected areas of patterned coverage that form a graphic design, wherein the patterned coverage is a continuous conductive pathway.

A claim is anticipated under 35 U.S.C. §102(e) only if each and every element as set forth in the claim is found, either expressly or inherently, in a single prior art reference. Verdegaal Bros. V. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Katashima discloses an antistatic primer layer that is patterned in such a shape as not to hide detecting marks (Col. 4, line 57-65 and Col 13, line 27-58). The present invention claims an antistatic layer that is patterned into a continuously interconnected graphic design. Katashima only discloses that the antistatic layer is patterned so as to not hide the detecting marks and does not disclose making the pattern into a continuously interconnected graphic design as claimed in the instant invention. Furthermore, the instant invention, as amended, now includes the limitation that the patterned antistatic layer is in a continuous conductive pathway. This corresponds to claims 5 as originally filed, which does not stand rejected as anticipated by Katashima. Therefore, Katashima does not disclose all of the claimed limitations of the instant invention as amended.

Further, the reference does not inherently set forth the elements of the claims. The present invention discloses an antistatic layer that is patterned into a graphic design that is in a continuous conductive pathway. Katashima only mentions patterning the antistatic layer so as to not hide detecting marks. Such a pattering would not create an continuously interconnected antistatic layer patterned into a graphic design, as claimed by the instant invention. Therefore, the reference does not inherently set for the elements of the instant invention.

In summary, the present invention claims an interconnected antistatic layer, which is patterned into a graphic design. Katashima discloses no such element, either inherently or expressly. As a result, Katashima does not anticipate the present application. Furthermore, claim 1 now incorporates all the limitations of claim 5 as originally filed, which does not stand rejected as anticipated by Katashima. Therefore, it is respectfully requested that the rejection is now moot, and should be reconsidered and withdrawn.

Rejection Of Claims 1, 2-4 and 15-45 Under 35 U.S.C. §103(a):

The Examiner has rejected claims 1, 2-4 and 15-45 under 35 U.S.C. §103(a) as being unpatentable over Majumdar et al., U.S. Patent No. 6,566,033 in view of Katashima et al., U.S. Patent No. 5,968,871.

The Examiner indicates that Majumdar teaches an imaging support and substrate that has a polymer foam core that contains polyolefin, the support can be opaque or transparent. The Examiner states that Majumdar teaches that the flange sheets comprise paper. The Examiner indicates that Majumdar discloses an antistatic layer that has conductive material wherein the antistatic layer can be formed by thermal process such as extrusion, co-extrusion, with or without orientation, injection molding, blow molding and lamination, and can be placed on any side of the imaging element and that the antistatic layer can also contains a polymer such as polyesters. The Examiner states that Majumdar does not disclose a patterned image on the antistatic layer. The Examiner indicates that Katashima discloses an article that has a base body that has at least one antistatic layer containing a conductive material on the surface, the antistatic layer has a patterned shape, and a thermal transfer sheet that has excellent antistatic properties. The Examiner states that it would have been obvious to one of ordinary skill in the art to have a patterned image in the Majumdar reference in order to effectively prevent the detection mark from being hidden by the antistatic layer. This rejection is respectfully traversed.

Majumdar relates to a conductive imaging member having an imaging layer and a base with a closed cell foam core sheet that is adhered to an upper and lower flange sheet.

Katashima discloses an antistatic coat on a surface of a base body so as to prevent accumulation of electric charges in the base body, the antistatic coat has a multi-layer structure with at least one antistatic layer, and the antistatic layer being disposed between the base body and an outermost surface layer of the antistatic coat. On the back surface side of a thermal transfer sheet, there is formed a heat resistant slip layer through an antistatic layer, or a heat resistant slip layer containing a conductive material.

The present invention relates to an article having a substrate with at least one antistatic layer with at least one conductive material and contains areas

of patterned coverage that form a graphic design, wherein the patterned coverage is a continuous conductive pathway.

To establish a prima facia case of obviousness requires, first, there must be some suggestion or motivation, either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references (or references when combines) must teach or suggest all the claim limitations. The level of skill in the art cannot be relied upon to provide the suggestion to combine references. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure. *In re Rouffet*, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457-58 (Fed. Cir. 1998).

The references fail to teach all of the claimed limitations of the instant invention as amended. As noted by the Examiner the Majumdar reference does not disclose an antistatic layer with areas of patterned coverage. Moreover, the Majumdar reference fails to disclose that the patterned coverage is a graphic design or that the antistatic layer is interconnected. As discussed above, Katashima fails to disclose an interconnected antistatic layer that is patterned into a graphic design, as claimed by the instant invention as amended. Therefore, neither reference, alone or in combination, teaches or suggests an antistatic layer patterned into a graphic design, much less one that is in a continuous conductive pathway.

There is no motivation or suggestion within the references to arrive at the instant invention. As discussed above, neither reference discloses an antistatic layer patterned into a graphic design, where the layer is in a continuous conductive pathway, as claimed by the present invention as amended. Majumdar relates to an imaging base that that can be manufactured in a single in-line operation. Majumdar does not suggest any benefit from a patterned antistatic layer, much less an interconnected antistatic layer that is patterned into a graphic design. Katashima relates to an antistatic layer that is patterned as to not hide the detecting mark so that a printer can identify the coloring material layer. The Examiner states that it would have been obvious to one of ordinary skill in the art to pattern an image in order to effectively prevent the detection mark from being

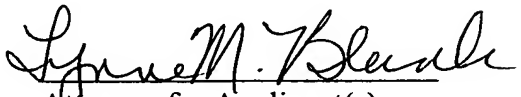
hidden by the antistatic layer. However, this is not the intention of the instant invention. The instant invention utilizes an interconnected antistatic layer in the form of a graphic design. The instant invention uses less material in the antistatic layer while maintaining an effective surface resistively (Table 1, page 111), this reduces the costs associated with the antistatic layer. Furthermore, the graphic design can be a logo for purposes of brand recognition. There is no suggestion to combine the references to arrive at the instant invention, and even when combined one skilled in the art would not arrive at an article having an antistatic layer patterned into a graphic design, where the layer is in a continuous conductive pathway. Moreover, the limitations of claim 5 as originally filed, which do not stand rejected as unpatentable over Majumdar in view of Katashima, are now incorporated in independent claim 1. Therefore, it is respectfully requested that this rejection is now moot, and should be reconsidered and withdrawn.

Double Patenting:

The Examiner has provisionally rejected claims 1-45 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-46 of copending Application No. 10/668,386. In accordance with 37 CFR 1.321 enclosed is a Terminal Disclaimer, which is believed to overcome this provisional rejection. It is respectfully requested that this rejection be reconsidered and withdrawn in light of the Terminal Disclaimer filed over Application No. 10/668,386.

It is believed that the foregoing is a complete response to the Office Action and that the claims are in condition for allowance. Favorable reconsideration and early passage to issue are therefore earnestly solicited.

Respectfully submitted,



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Enclosures: Replacement Figures 1-4
Copies of Formal Drawings

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.